



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.350/00 346 /2017

In the matter of :-

An application Under Section 19 of the
A. T. Act, 1985;

- And -

In the matter of:-

Sri Joydev Halder Son of Late Anukul
Chandra Halder, aged about 61 years,
retired as Gatekeeper under Station
Manager, Habra, Sealdah Division,
Eastern Railway and residing at Village
& P.O. Dhanpota, P.S. Mograhhat,
District 24 Parganas (South), Pin -
743355.

...Applicant

- Versus -

1. The General Manager, Eastern
Railway, 17, N. S. Road, Kolkata -
700001.

2. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,
Sealdah, Kolkata - 700014.

'All

joydev Halder

3. The Senior Divisional Personnel

Officer, Eastern Railway, Sealdah

Division, Sealdah, Kolkata- 700014.

...Respondents

W.D.

O.A.No.350/346/2017

Date of order : 23.03.2017

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Mr. K. Sarkar, counsel

For the respondents : Mr. A. K. Guha, counsel

ORDER(ORAL)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the non action and/or inaction on the part of the respondent authority in granting pension and pensionary benefits to the applicant for the period he has served the Railways i.e. from 06.05.1996 to 28.02.2017 and for non-payment of salary from April, 2016 to September, 2016.

2. Brief facts of the case are that the applicant has been engaged as a Substitute on 06.05.1996 by an order of the Senior Divisional Personnel Officer, Eastern Railway, Sealdah as per verdict of Hon'ble High Court, Calcutta vide C.R. No.3456(W) of 1983 and 6125(W) of 1984 after due medical test. The applicant's grievance is that he worked continuously in the railway w.e.f. 06.05.1996 and his service was regularised on 30.11.2015. He retired on 28.02.2017 on attaining the age of superannuation, but till date he has not received any Pension Payment Order though he submitted the requisite papers to the authorities.

3. In this O.A. the applicant has prayed for the following reliefs:-

"8(a) to issue direction upon the respondents and their men and agents to grant monthly pension and other pensionary benefits in accordance with his service from 06.05.1996 to 28.02.2017 forthwith;

(b) to issue further direction upon the respondents to grant full pension of Substitute as well as permanent service forthwith;



(c) to issue any other order or orders as the Hon'ble Tribunal may deem fit and proper."

4. I have heard Mr. K. Sarkar, Id. counsel for the applicant and Mr. A.K.Guha, Id. counsel for the respondents and perused the materials available on record.

5. Id. counsel Mr. Sarkar appearing on behalf of the applicant has drawn my attention to the salary slips under Annexure A/4 to the O.A. and submitted that the applicant has not been paid the salary for the months he worked which should have been paid to him. He further submitted that the applicant has filed a representation dated 07.01.2017 to the Sr. Divisional Personnel Officer, Eastern Railway, Sealdah(Annexure A/6 to the O.A) praying for release of his salary for the months of April to September, 2016, but no reply has been received by him.

6. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation to the authorities ventilating his grievances, he has not received any reply till date.

7. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990**
SC Page 10 / 1990 SCC (L&S) Page 50 (para 17) in which it has been held as under:

"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the



system and keep the public servant away from a protracted period of litigation."

8. Considering the aforesaid facts and circumstances, I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representation of the applicant. Accordingly the Respondent No.3 i.e. the Senior Divisional Personnel Officer, Eastern Railway, Sealdah is directed to consider and dispose of the representation of the applicant, if pending consideration, by passing a well reasoned order as per rules keeping in mind the period of service rendered by him and intimate the result to the applicant within a period of two months from the date of receipt of the copy of this order. After such consideration, If the applicant is found entitled to the benefits , he should be given the same within a further period of three months from the date of taking decision in the matter.

9. Mr. Sarkar further submits that though the applicant has retired on 28.02.2017, no Pension Payment Order has been issued to him and since the applicant is a retired person, it is very difficult on his part to file a separate application for payment of pensionary benefits, therefore, liberty may be given to him to file a separate representation to the appropriate authority for grant of pension and pensionary benefits.

10. Accordingly the applicant is given liberty to file a separate representation for payment of pension and pensionary benefits annexing a copy of this order which may be considered by the respondent authorities as per rules within a period of 2 months from the date of receipt of such representation and if the applicant is found entitled to the same, he may be given the same within a further period of three months from the date of taking decision.



11. As prayed by Mr.Sarkar, a copy of this order along with the paper book may be transmitted to the Respondent No.3 by speed post by the Registry for which Mr. Sarkar undertakes to deposit the cost by 5th April, 2017.

12. With the above observations the O.A. is disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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